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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/763,891

01/23/2004

Robert S. Tirey

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30410

7590

01/23/2007

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EXAMINER

SKURDAL, COREY NELSON.

ART UNIT

PAPER NUMBER

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/763,891

**Applicant(s)**

TIREY, ROBERT S.

**Examiner**

Corey N. Skurdal

**Art Unit**

3782

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-8 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed:
- 6) ☒ Claim(s) 6-8 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the slots in the inner walls and the at least one removable partition of claims 15 and 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15 and 17 recite the limitation "the inner walls" in line 2. There is insufficient antecedent basis for this limitation in the claim as only one inner wall has previously been defined.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 6-8, 13, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bush et al. (US 6,199,948).

Regarding claims 6 and 16, Bush et al discloses the invention as claimed including: a storage system 120 for use on a car seat back 14 with a forward slanting section (between seat back 14 and seat bottom 12), an upper section (Fig. 1 on seat back 22 and 24), and a rear 22; a seat frame 20 and 42, set in seat back 1; a cabinet 120 is mounted to the seat back, by means of mechanisms 34 and 40, the storage cabinet 120 having a top and base, sidewalls located there between, and outer and inner walls, the inner wall being located opposite the outer wall and adjacent the forward slanting section (see Figure 14); an interior compartment 124 defined by the intersection

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of the previous mentioned walls, the compartment having additional compartments inside for securing other objects (column 6, lines 3-6); and an attachment device. The attachment device comprises multiple receivers 34 attached to seat frame 20 and multiple tabs/tongues 82 which extend outwardly from the cabinet inner wall and engage the receivers 34, said tongues being releasably held within the receivers by a release mechanism 36.

Regarding claims 7 and 13, Bush et al. discloses exterior compartments 126 and 128 attached to the outer wall.

Regarding claims 8 and 14, Bush et al. discloses a storage unit on seat 10 with seat bottom 12, attached by pivot 18. See Figure 1.

In an alternate embodiment, Figure 15 and 15A, Bush et al. also discloses the invention of claims 6 and 16 including: a storage system 130 for use on a car seat back 14 with a forward slanting section (between seat back 14 and seat bottom 12), an upper section (Fig. 1 on seat back 22 and 24), and a rear 22; a seat frame 20 and 42, set in seat back 1; a cabinet 130 is mounted to the seat back, by means of mechanisms 34 and 40, the storage cabinet 130 having a top and base, sidewalls located there between, and outer and inner walls, the inner wall being located opposite the outer wall and adjacent the forward slanting section (see Figure 14); an interior compartment 148 defined by the intersection of the previous mentioned walls, the compartment having additional compartments 150 and 132 inside for securing other objects; and an attachment device. The attachment device comprises multiple receivers 34 attached to seat frame 20 and multiple tabs/tongues 82 which extend outwardly from the cabinet

inner wall and engage the receivers 34, said tongues being releasably held within the receivers by a release mechanism 36.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (US 6,199,948) in view of Bohnett (US 2,934,391). Bush et al. discloses the invention substantially as claimed and as applied to claims 6 and 16, but does not have the claimed combination of the cabinet and a removable partition. However, Bohnett discloses a organizing cabinet for use in a vehicle including a cabinet 13 with slots 23 and 28 on the inner wall and removable partitions 24 and 29 adapted to engage the slot. Therefore it would have been obvious to one skilled in the art at the time of invention to provide Bush et al, specifically the embodiment of Figure 15 with slots and removable partitions in order to allow users to selectively secure various items within the cabinet.

***Response to Arguments***

7. Applicant's arguments filed 11/14/2006 have been fully considered but they are not persuasive. Applicant has argued that receiver portion 20 cannot be considered the frame of the seat, and as such, the tabs 82 of Bush et al. engage the receiver 20 and not the seat frame 42. However, as Applicant has noted, the "receiver 20 permanently

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mounts to the seat frame 42 with attachment bracket 44." As such, the receiver 20 is considered to be part of the seat frame 42, and thus the whole assembly as shown in Figure 3 is considered by Examiner to be the seat frame. Moreover, Applicants device as disclosed in paragraph [0023], lines 8 and 9 of the specification, has receivers 68 which are mounted to the seat frame 76, and has tongues 70 which engage the receivers and not the seat frame. The device of Bush et al. functions the same way, wherein receiver 20 is mounted to the seat frame and the tongues 82 matingly engage the receiver. As such, claims 6-8, 13, 14, and 16 have been rejected as being anticipated by Bush et al. under section 102. Claims 15 and 17 have been rejected as being unpatentable over Bush et al. under section 103 as required by the addition of the newly claimed subject matter.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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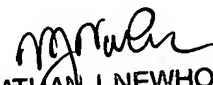
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey N. Skurdal whose telephone number is 571-272-9588. The examiner can normally be reached on M-Th 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CNS  
1/8/07

  
NATHAN J. NEWHOUSE  
SUPERVISORY PATENT EXAMINER